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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/976,604

10/12/2001

Mark D. Penk

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SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER

ENGLAND, DAVID E

ART UNIT

PAPER NUMBER

2143

NOTIFICATION DATE

DELIVERY MODE

03/26/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/976,604	<b>Applicant(s)</b> PENK ET AL.	
	<b>Examiner</b> DAVID E. ENGLAND	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 44-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 51-69 is/are allowed.
- 6) ☒ Claim(s) 44-48 is/are rejected.
- 7) ☒ Claim(s) 49 and 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 44 – 69 are presented for examination.

***Response to Arguments***

2. Applicant's arguments, see Appeal Brief, filed 12/26/2007, with respect to the rejection(s) of claim(s) 44 – 48 under 35 USC 102 rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lebar.

3. Applicant's arguments, see Appeal Brief, filed 12/26/2007, with respect to all other claims have been fully considered and are persuasive. The rejection of claims 49 – 69 have been withdrawn.

***Allowable Subject Matter***

4. Claims 49 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 51 – 69 are allowed.

***Claim Rejections - 35 USC § 102***

Art Unit: 2154

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 44 – 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Lebar U.S.

Pub. No. 2002/0059619.

8. Referencing claim 44, as closely interpreted by the Examiner, Lebar teaches a system for mapping a digital network, the system comprising:

9. a controller configured to send an initiate signal, (e.g. ¶ 0007 – 0008, 0059 – 0064).; and

10. a plurality of network devices in communication with the controller, each network device configured to receive a transport stream that includes a stream of data packets, each data packet including a header and a data payload, each of the plurality of network devices further

configured to receive the initiate signal from the controller, (e.g. ¶ 0059 – 0064, the database is populated with information about different cites and what is available in those site, i.e., servers).;

11. wherein, in response to receiving the initiate signal from the controller, each of the plurality of network devices generates a network message and sends the network message to the controller, the network message including information associated with the respective network device, (e.g. , (e.g. ¶ 0059 – 0064).; and

12. wherein, in response to receiving the network messages from the network devices, the controller generates a transport stream map, the transport stream map representing a flow of transport streams among the plurality of network devices, (e.g. ¶ 0059 – 0064).

13. Referencing claim 45, as closely interpreted by the Examiner, Lebar teaches each of the network messages includes a device identifier, which is associated with the device that transmits the network message to the controller, (e.g. ¶ 0059 – 0064).

14. Referencing claim 46, as closely interpreted by the Examiner, Lebar teaches each of the network messages includes a transport stream identifier, which is associated with a given transport stream, wherein the given transport stream is a transport stream received and monitored by the device associated with the device identifier, (e.g. ¶ 0059 – 0064).

15. Referencing claim 47, as closely interpreted by the Examiner, Lebar teaches each of the network messages includes network information related to at least one characteristic of the digital network, (e.g. ¶ 0059 – 0064).

16. Referencing claim 48, as closely interpreted by the Examiner, Lebar teaches each of the network messages includes an input transport stream identifier (input TSID) and an output transport stream identifier (output TSID), the input TSID identifying the transport stream received by the respective network device and the output TSID identifying the transport stream transmitted by the respective network device, (e.g. ¶ 0059 – 0064).

***Conclusion***

17. **Applicant is advised to contact the Examiner to aid in expediting prosecution.**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. a. Djupsjobacka et al. U.S. Pub. No. 2003/0022643 discloses METHOD FOR ADDRESSING A SERVICE IN DIGITAL VIDEO BROADCASTING.

20. b. Penk et al. U.S. Pub. No. 2003/0074670 discloses Propagation of dynamic network information.

21. c. Pinder U.S. Pub. No. 2003/0002577 discloses In a subscriber network receiving digital packets and transmitting digital packets below a predetermined maximum bit rate.

22. d. Arimilli et al. U.S. Patent No. 6360299 discloses Extended cache state with prefetched stream ID information.

23. e. Civanlar et al. U.S. Patent No. 5996021 discloses Internet protocol relay network for directly routing datagram from ingress router to egress router.

24. f. Feldman et al. U.S. Patent No. 6055561 discloses Mapping of routing traffic to switching networks.

25. g. Ebling et al. U.S. Patent No. 7150029 discloses System for formatting and processing multimedia program data and program guide information.

26. h. Freimann et al. U.S. Patent No. 6134554 discloses System and method for recording receipt of information.

27. i. Thomas U.S. Patent No. 6502243 discloses Method and system for locating a resource within a broadcasting environment.

28. j. Acton et al. U.S. Patent No. 6628301 discloses Extensible framework for tuning to programming sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England  
Examiner  
Art Unit 2143

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Supervisory Patent Examiner, Art Unit 2154